

FILED
11/14/22 1:58 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:)
Richard L. Somogyi and) **Case No. 22-70153-JAD**
Sherrie L. Somogyi,)
) **Chapter 13**
Debtor(s).)
X Related to ECF No. 14

ORDER OF COURT
(Check Boxes That Apply)

- ☒ **Confirming Plan on Final Basis** ☒ **Chapter 13 Plan dated:**
May 19, 2022
- ☐ **Authorizing Distributions Under Plan** ☐ **Amended Chapter 13 dated:**
On Interim Basis Solely as Adequate Protection _____

IT IS HEREBY ORDERED that the Chapter 13 Plan Payment is \$1,407 effective 7/1/22.

IT IS HEREBY ORDERED that pursuant to the plan identified above (the “Plan”), as the same may be modified by this Order, the Chapter 13 Trustee is authorized to make distributions to creditors holding allowed claims from available funds on hand. Such distributions shall commence no earlier than the Chapter 13 Trustee’s next available distribution date after the first day of the month following the date on which this Order is entered on the Court’s docket.

IT IS FURTHER ORDERED that those terms of the Plan which are not expressly modified by this Order shall remain in full force and effect. To the extent any terms and conditions of the Plan are in conflict with this Order, the terms of this Order shall supersede and replace any conflicting terms and conditions of the Plan.

1. Unique Provisions Applicable Only to This Case: *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic monthly Plan payment is amended to be \$1,431.00, beginning 11/22. To the extent there is no wage attachment in place or if an existing wage attachment is insufficient to fund the Plan payments, counsel to the Debtor(s) shall within seven (7) days hereof file a wage attachment motion (or motions) to fully fund the Plan payments, or shall sign up for and commence payments under the Trustee’s TFS online payment program.

- ☐ B. The length of the Plan is changed to a total of at least ____ months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved.
- ☐ C. To the extent this Order is entered as a form of adequate protection, the Trustee is authorized to distribute to secured and priority creditors with percentage fees payable to the Chapter 13 Trustee on receipt as provided for in 28 U.S.C. §586. ***Continued conciliation conferences before the Trustee or contested hearings before the Court shall proceed on such dates and times as appear on the case docket.*** The Trustee is deemed to have a continuous objection to the Plan until such time the Plan is confirmed on a final basis.

PARTIES ARE REMINDED OF THEIR DUTY TO MONITOR THE COURT'S DOCKET AND ATTEND DULY SCHEDULED HEARINGS. THE PARTIES ARE FURTHER REMINDED OF THEIR DUTY TO MEET AND CONFER AND OTHERWISE ENGAGE IN GOOD FAITH SETTLEMENT NEGOTIATIONS WITH RESPECT TO ANY OBJECTION TO PLAN CONFIRMATION. FAILURE TO COMPLY WITH THESE DUTIES MAY RESULT IN THE IMPOSITION OF SANCTIONS AGAINST THE OFFENDING PARTY.

- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. The following utility creditor _____ shall be paid monthly payments of \$_____ beginning with the Trustee's next distribution and continuing for the duration of the Plan's term, to be applied by that creditor to its administrative claim, ongoing budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim:
*New Start Notes LLC Cl.#9
*PNC Bank Cl.#14
- ☐ H. The secured claims of the following creditors shall govern as to claim amount, to be paid at the modified plan interest rate in a monthly amount to be determined by Trustee to pay the claim in full during the Plan term:

-
- ☐ I. The secured claim(s) of the following creditors shall govern as to claim amount, to be paid at the indicated interest rate in a monthly amount to be determined by Trustee to pay in full during the Plan term:
-
- ☐ J. The secured claim(s) of the following creditor(s) shall govern, following all allowed post-petition payment change notices filed of record:
-
- ☒ K. Additional Terms and Conditions:
IRS CL#15 to be paid at \$334 to reflect 2021 tax liability

2. Deadlines. The following deadlines are hereby established and apply to this case:

A. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates a sale or sales of assets or the recovery of litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

B. Review of Claims Docket and Objections to Claims. Pursuant to *W.P.A.LBR 3021-1(c)(2)*, the Debtor(s) (or Debtor(s)' attorney, if represented), shall review the proofs of claim filed in this case and shall file objections (1) to any disputed timely filed claims within ninety (90) days after the claims bar date, or (2) to any disputed late filed or amended claims within ninety (90) days after the amended and/or late claims are filed and served. Absent a timely objection or further order of the Court, the timely filed proof of claim will govern as to the classification and amount of the claim; provided however, no creditor shall receive a distribution in this case until such time as the relevant allowed claim is provided for in the Plan or any subsequent amended plan.

C. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, and all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

D. Filing Amended Plans or Other Stipulation. Within fourteen (14) days after the Bankruptcy Court resolves the priority of a claim, avoidability of a lien or interest, or extent of a lien, or any objection to claim, the Debtor(s) shall file an Amended Plan or Stipulated Order Modifying Plan to provide for the allowed amount of the lien or claim if the allowed amount and/or treatment differs from the amount and/or treatment stated in the Plan. The Debtor(s) or Counsel for Debtor(s) should inquire with the Chapter 13 Trustee regarding whether an Amended Plan or proposed Stipulated Order Modifying Plan is the preferred course of action. In addition, if after the conclusion of the claims bar date and any associated litigation, the Plan is underfunded, Debtor(s) shall also file (1) an amended Plan increasing the monthly Plan payment, and (2) a revised wage attachment to provide for the increased funding.

3. Additional Provisions. The following additional provisions apply in this case:

A. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

B. The Trustee shall hold in reserve any distributions under the Plan to any creditor who holds a claim that is provided for in the Plan but which is subject to a duly filed claims objection. Upon entry of further order of the Court, or ultimate allowance of the disputed claim provided for in the Plan, the Trustee may release the reserve and make distribution to the affected creditor. Unless otherwise permitted by separate Order of Court, Trustee shall not commence distributions to unsecured creditors until after the later of the government bar date and a filed notice of an intention to pay claims (the later date being the "Earliest Unsecured Distribution Date"). Trustee may, but has no obligation to, further defer distributions to unsecured creditors until a later date after the Earliest Unsecured Distribution Date.

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor(s)' counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.


E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any allowed *secured claim* (that is secured by the property subject to the relief from stay order), unless otherwise directed by further Order of Court.

G. The Debtor(s) shall maintain all policies of insurance on all property of the Debtor(s) and this estate as required by law and/or contract.

H. The Debtor(s) shall pay timely all post-confirmation tax liabilities directly to the appropriate taxing authorities as they become due.

Dated: November 14, 2022


Jeffery A. Deller jah
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk

In re:
Richard L Somogyi
Sherrie L. Somogyi
Debtors

Case No. 22-70153-JAD
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7
Date Rcvd: Nov 14, 2022

User: auto
Form ID: pdf900

Page 1 of 3
Total Noticed: 42

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. § 342(f)/Fed. R. Bank. P. 2002(g)(4).
^	Addresses marked '^' were sent via mandatory electronic bankruptcy noticing pursuant to Fed. R. Bank. P. 9036.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 16, 2022:

Recip ID	Recipient Name and Address
db/jdb	+ Richard L Somogyi, Sherrie L. Somogyi, 9996 Route 553 Highway, Mentcle, PA 15761-0014
cr	+ 1st Summit Bank, 125 Donald Lane, PO Box 5480, Johnstown, PA 15904-5480
15479362	++ 1ST SUMMIT BANK, PO BOX 5480, JOHNSTOWN PA 15904-5480 address filed with court:, 1st Summit Bank, 125 Donald Lane, Johnstown, PA 15904
15479366	+ Cambria Somerset Radiology, 239 Main Street, Suite 400, Johnstown, PA 15901-1640
15479369	Center for Orthopaedics & Sports Medicin, Attn # 15257Y, P.O. Box 14000, Belfast, ME 04915-4033
15479370	+ Conemaugh Memorial Medical Center, c/oLifePoint Health Business Services, One Tech Park Drive, Suite 3400, Johnstown, PA 15901-2508
15479373	FCI Lender Services, Inc., P.O. Box 27370, Anaheim Hills, CA 92809-0112
15479374	+ Finance System, Inc., Attn: Bankruptcy, 5703 National Road East, Richmond, IN 47374-2619
15479376	+ Holiday Financial Serv, 300 Walmart Dr Ste 150, Ebensburg, PA 15931-4214
15479381	+ IRMC Administrative Annex, Attn: IRMC Cashier, 640 Kolter Drive, Indiana, PA 15701-3570
15479377	+ Indiana County Tax Claim Bureau, 825 Philadelphia Street, Indiana, PA 15701-3951
15479378	+ Indiana EKG Associates, Inc., c/o Smith Medical Billing, P.O. Box 702, Du Bois, PA 15801-0702
15479379	Indiana Regional Imaging, PC, 7 Acee Drive, Natrona Heights, PA 15065-9700
15479380	Indiana Regional Medical Center - PP, P.O. Box 645546, Pittsburgh, PA 15264-5253
15490979	+ New Start Notes LLC, c/o Shnyder Law Firm LLC, 148 East Street Rd., Ste 352, Feasterville, PA 19053-7604
15479384	+ PA Department of Revenue, P.O. Box 280502, Harrisburg, PA 17128-0502
15480433	+ PO Box 1847, Wilson, NC 27894-1847
15481854	+ Pennsylvania Electric Company, 101 Crawford's Corner Road, Building 1 Suite 1-511, Holmdel 07733-1976
15479385	+ Pennsylvania Electric Company (Penelec), 101 Crawford's Corner Road, Building 1 - Suite 1-511, Holmdel, NJ 07733-1976
15479388	+ S. Wilson Diagnostic Pathology, LLC, P.O. Box 49, Pittsburgh, PA 15230-0049
15479390	+ US Acute Care Solutions, P.O. Box 9820, Coral Springs, FL 33075-0820

TOTAL: 21

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
15489399	+ Email/PDF: acg.acg.ebn@aisinfo.com	Nov 15 2022 03:35:38	Ally Bank c/o AIS Portfolio Services, LP, 4515 N. Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901
15479363	+ Email/Text: ally@ebn.phinsolutions.com	Nov 15 2022 03:26:00	Ally Financial, Attn: Bankruptcy, Po Box 380901, Bloomington, MN 55438-0901
15479364	+ Email/PDF: bncnotices@becket-lee.com	Nov 15 2022 03:35:46	American First Finance, Attn: Bankruptcy, Po Box 565848, Dallas, TX 75356-5848
15479365	Email/Text: bankruptcy@bbandt.com	Nov 15 2022 03:26:00	BB&T, Attn: Bankruptcy, Po Box 1847, Wilson, NC 27894
15479367	+ Email/PDF: AIS.cocard.ebn@aisinfo.com	Nov 15 2022 03:35:37	Capital One, Attn: Bankruptcy, P.O. Box 30285, Salt Lake City, UT 84130-0285
15492804	Email/PDF: AIS.cocard.ebn@aisinfo.com	Nov 15 2022 03:35:43	Capital One Bank (USA), N.A., by American

District/off: 0315-7

User: auto

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Total Noticed: 42

			InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
15479368	Email/Text: ebn@carepayment.com	Nov 15 2022 03:26:00	Carepayment, P.O. Box 2398, Omaha, NE 68103-2398
15479371	+ Email/Text: bankruptcy_notifications@ccsusa.com	Nov 15 2022 03:26:00	Credit Collection Services, Attn: Bankruptcy, 725 Canton St, Norwood, MA 02062-2679
15479372	+ Email/Text: electronicbkydocs@nelnet.net	Nov 15 2022 03:26:00	Department of Education/Nelnet, Attn: Bankruptcy, Po Box 82561, Lincoln, NE 68501-2561
15479375	+ Email/Text: GenesisFS@ebn.phinsolutions.com	Nov 15 2022 03:26:00	Genesis Credit/Celtic Bank, Attn: Bankruptcy, Po Box 4477, Beaverton, OR 97076-4401
15479382	Email/Text: sbse.cio.bnc.mail@irs.gov	Nov 15 2022 03:26:00	IRS, Centralized Insolvency Operation, P.O. Box 7346, Philadelphia, PA 19101-7346
15479383	^ MEBN	Nov 15 2022 03:26:11	KML Law Group, P.C., 701 Market Street, Suite 5000, Philadelphia, PA 19106-1541
15479386	Email/Text: Bankruptcy.Notices@pnc.com	Nov 15 2022 03:26:00	PNC Bank, P.O. Box 1820, B6-YM07-01-7, Dayton, OH 45401-1820
15498735	Email/Text: Bankruptcy.Notices@pnc.com	Nov 15 2022 03:26:00	PNC Bank, N.A., P.O. Box 94982, Cleveland, OH 44101
15479387	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Nov 15 2022 03:35:45	Portfolio Recovery Associates, LLC, Attn: Bankruptcy, 120 Corporate Boulevard, Norfolk, VA 23502
15497032	+ Email/PDF: resurgentbknofications@resurgent.com	Nov 15 2022 03:35:46	PYOD, LLC, Resurgent Capital Services, PO Box 19008, Greenville, SC 29602-9008
15480308	+ Email/Text: RVSVCBICNOTICE1@state.pa.us	Nov 15 2022 03:26:00	Pennsylvania Department of Revenue, Bankruptcy Division PO BOX 280946, Harrisburg, PA 17128-0946
15493019	Email/Text: bnc-quantum@quantum3group.com	Nov 15 2022 03:26:00	Quantum3 Group LLC as agent for, Genesis FS Card Services Inc, PO Box 788, Kirkland, WA 98083-0788
15479389	^ MEBN	Nov 15 2022 03:25:15	UPMC Health Services, P.O. Box 371472, Pittsburgh, PA 15250-7472
15480500	+ Email/Text: electronicbkydocs@nelnet.net	Nov 15 2022 03:26:00	US DEPARTMENT OF EDUCATION C/O NELNET, 121 SOUTH 13TH STREET, LINCOLN NE 68508-1904
15496055	Email/PDF: ebn_ais@aisinfo.com	Nov 15 2022 03:35:51	Verizon, by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457

TOTAL: 21

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		PNC Bank, National Association
cr	*+	Ally Bank, c/o AIS Portfolio Services, LP, 4515 N Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901
cr	*+	New Start Notes LLC, c/o SHNAYDER LAW FIRM, LLC, 148 East Street Road, Suite 352, Feasterville, PA 19053-7604

TOTAL: 1 Undeliverable, 2 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

District/off: 0315-7

User: auto

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Date Rcvd: Nov 14, 2022

Form ID: pdf900

Total Noticed: 42

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 16, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 14, 2022 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor PNC Bank National Association bnicholas@kmlawgroup.com
Jennie Shnyder	on behalf of Creditor New Start Notes LLC jennie@shnyderlawfirm.com
Kenneth P. Seitz	on behalf of Debtor Richard L Somogyi thedebterasers@aol.com
Kenneth P. Seitz	on behalf of Joint Debtor Sherrie L. Somogyi thedebterasers@aol.com
Kevin J. Petak	on behalf of Creditor 1st Summit Bank kpetak@spencecuster.com skosis@spencecuster.com
Office of the United States Trustee	ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteewdpa.com

TOTAL: 7